



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/447,554	11/23/1999	ZHIGANG FAN	104184	3958

7590 01/30/2003

OLIFF & BERRIDGE PLC
P.O. BOX 19928
ALEXANDRIA, VA 22320

EXAMINER

WU, JINGGE

ART UNIT

PAPER NUMBER

2623

DATE MAILED: 01/30/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

09/447,554

Applicant(s)

FAN ET AL.

Examiner

Jingge Wu

Art Unit

2623

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 22 January 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ they raise the issue of new matter (see Note below);
- (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: see remark.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____

Claim(s) objected to: _____

Claim(s) rejected: 1-22.

Claim(s) withdrawn from consideration: _____

8. ☐ The proposed drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____
10. ☐ Other: a copy of PTO 1449 is attached

JINGGE WU
PATENT EXAMINER

Remarks

Applicant's arguments have been fully considered, but they are not persuasive.

a. Applicant argues that Branden does not disclose creating quantization table from the decompressed image data.

However, in response to applicant's argument, Examiner would like to point out that claim language is given its broadest reasonable interpretation. The specification is not measure of invention. Therefore, limitations contained therein can not be read into the claims for the purpose of avoiding the prior art. *Ir re Sporck*, 55CCPA 743, 386 F. 2d 924, 155 USPQ 687 (1968). In the instant case, broadly claimed language "creating --" can be read on "modifying a quantization table to a new one" as the examiner explained his position in paper 7, page 3. The examiner only admitted that Branden does not mention "creating a quantization table without transmitting the quantization table used in the compression process", which is Applicant's argument in the interview that teaches in the specification (note that this language is not in the claim language, thus "without transmitting the quantization table used in the compression process" can not be read into the claims for the purpose of avoiding Branden). Nevertheless, the examiner have cited Shimizu and Coleman to show that creating quantization width without transmitting the quantization information used in the compression process is well known in the art.

b. Applicant further argues that 1) there is no teaching in Shimizu that creates an estimated quantization table from the received decompressed image data because Shimizu only teaches an estimated quantization width determined based on the amount

Art Unit: 2623

of encoded data; and 2) Shimizu teaches only the quantization width not quantization table.

However, in response to applicant's argument, Examiner would like to point out that Shimizu explicitly mention that creating (calculating) the quantization width from the decoded image data by the quantization width calculation section (Fig. 2, element 750, col. 5 lines 35-48, note that the encoded data is being first decoded and then sent to the quantization width calculation section). Furthermore, an quantization table could be arranged by one or more quantization width, which could be two dimensional table (matrix), one dimensional table (array), and one element (quantization width). There is not patentable distinguish between quantzation width and quantzation table because it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made to arrange the quantization width to either 2d table or 1d table.

c. Applicant further argues that Coleman discloses color image compression and "discloses a joint quantizer factor which is used equally on the signal component" "by considering the information content of of components of the image together (jointly) rather than independently"

Examiner does not exactly understand what applicant tries to argue. However, Coleman expressly mention "the Q factor need not to be transmitted through the channel ---- the value of the Q factor may be created at the receiver using decoded information" (col. 12, lines 11-15). Examiner believes that it is unrelated argument whether Coleman compress color image or not.